

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan SOLIS-Resendez

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326


Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **May 27, 2008**, within the Southern District of California, defendant **Juan SOLIS-Resendez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **28th** day of **May, 2008**.


UNITED STATES MAGISTRATE JUDGE



PROBABLE CAUSE STATEMENT

On May 27, 2008, at approximately 0650 hours, **Juan SOLIS-Resendez (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry via the pedestrian primary lanes. Defendant presented an I-551 Permanent Resident Card bearing the name Rogelio Rosales-Hurtado to a Customs and Border Protection (CBP) officer. The CBP Officer noticed Defendant did not resemble the photo on the I-551 card and suspected Defendant was not the lawful owner of the I-551. The CBP officer escorted Defendant to secondary for further inspection.

During secondary, Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously deported alien. Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to an FBI number and Immigration Service Records.

Further queries utilizing the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico without legal documents to enter the United States. Immigration service records including CIS and DACS indicate Defendant was ordered deported from the United States by an Immigration Judge on or about February 17, 2005. Immigration service records indicate no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States..

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is a citizen of Mexico. Defendant admitted he has been previously deported from the United States and has not applied for or received permission to legally re-enter the United States. Defendant admitted he presented the I-551 for entry into the United States and that he had bought the card in Tijuana, México for \$200.00 U.S. dollars. Defendant admitted he intended to travel to San Jose, California to reunite with his family and seek employment.